

**STIP
GABRIEL L. GRASSO, ESQ.
State Bar Number 7358
411 S 6th Street
Las Vegas, Nevada 89101
702-868-8866
gabriel@grassodefense.com
Attorney for LEWIS**

UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CMONE LEWIS.

Defendant.

Case No.: 2:18-cr-00055-APG-GWF

STIPULATION TO CONTINUE SENTENCING

(THIRD REQUEST)

Certification: This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between the defendant CEMONE LEWIS through his attorney GABRIEL L. GRASSO, ESQ., and the United States of America, through Assistant United States Attorney PHILLIP N. SMITH JR, that the sentencing hearing currently scheduled for January 25, 2019 at 10:30 a.m., be vacated and continued to a date and time convenient to this court, but no event earlier than thirty (30) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. LEWIS is currently set for sentencing on Friday, January 25, 2019.

- 1 2. The parties agree to continue the sentencing date due to defense counsel
2 Grasso being in the third week of a state court murder trial (State v.
3 Hemingway C-13-293029-3).
- 4 3. LEWIS is in state custody and does not object to this continuance.
- 5 4. Denial of this request for continuance would deny the defendant sufficient
6 time to be able to assist in his sentencing, taking into account the exercise
7 of due diligence.
- 8 5. This is the third request for a continuance of the sentencing date in this
9 case.

10 DATED this 23rd day of January 2019.

11 RESPECTFULLY SUBMITTED BY:

12 _____
13 */s/ Phillip N. Smith Jr*
14 PHILLIP N. SMITH JR
15 Assistant United States Attorney

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17 */s/ Gabriel L. Grasso*
18 GABRIEL L. GRASSO, Esq.
19 Attorney for WILLIAMS

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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,) Case No.: 2:18-cr-00055-APG-GWF
CEMONE LEWIS,) STIPULATION TO CONTINUE
Defendant.) SENTENCING DATE
(THIRD REQUEST)

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The sentencing date is continued due to defense counsel Grasso being in the third week of a state court murder trial.
2. This stipulation complies with General Order 2007-04

CONCLUSIONS OF LAW

1. Denial of this request for continuance would result in a miscarriage of justice.

- 1 2. For all of the above stated reasons, the ends of justice would best be
2 served by a continuance of the sentencing hearing date.
3 3. The additional time requested by the stipulation, is excludable in
4 computing the time within which the trial herein must commence pursuant
5 to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors
6 under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
7 4. This is the third request for continuance.
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10 **ORDERED**

11 **IT IS ORDERED UNDER** that the sentencing hearing currently scheduled for
12 Thursday, January 25, 2019, be vacated and continued to March 1, 2019 at
13 the hour of 10:30 a.m. in Courtroom 6C.

14 **IT IS SO ORDERED:**

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UNITED STATES DISTRICT JUDGE

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18 DATED: January 24, 2019
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